

DAC #3



PTO/PCT Rec'd 05 MAR 2001

Patent

Attorney Docket No.: 918-002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of

Omarsson

Serial No.: 09/720833

International filing date: June 28, 1999

For: FUEL-AIR MIXTURE APPARATUS

Examiner: NA

Group Art Unit: NA

RECEIVED

01 AUG 2001

Legal staff
International Division

PETITION TO REVIVE UNAVOIDABLY ABANDONED
APPLICATION (37 CFR 1.137(a))

RECEIVED

MAR 08 2001

OFFICE OF PETITIONS

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

S I R:

On February 8, 2001, we received from the U.S. Patent and Trademark Office a Notice of Abandonment dated February 5, 2001, which indicated that the application is abandoned in view of Applicant's failure to "[p]rovide the full U.S. Basic National Fee by 30 months (37CFR 1.495(b)(2))." After performing a search of our file jacket and docket records, we have determined that the Transmittal Letter to the United States, mailed to the United States Patent and Trademark Office on December 28, 2000 indicated that the Basic National Fee in the amount of \$930.00 was to be charged to our Deposit Account No. 19-2825. However, the U.S. Patent and Trademark Office records mistakenly indicate that there were insufficient funds in Deposit Account No. 19-2825 to cover the amount of \$930.00 for

the Basic National Fee. It appears that the mistake has arisen due to clerical errors on the part of the U.S. Patent and Trademark Office accounting department.

On December 1, 2000 Deposit Account No. 19-2825 had a balance of \$5693.00. Based on transactions we conducted through out the month of December 2000, on the date of mailing, December 28, 2000 we anticipated that there would be sufficient funds in the account to cover the \$930.00 Basic National Fee for this application. After reviewing our accounting records, we did not find any discrepancies in our management of the Deposit Account No 19-2825. Upon examination of the Deposit Account No. 19-2825 invoice for December 2000 issued by the United States Patent and Trademark Office accounting department, we discovered that several mistakes were made on the part of the United States Patent and Trademark Office, such as overcharging and unauthorized withdrawals, which could not have been reasonably anticipated by us on or before December 28, 2000 the date of the mailing of the Transmittal Letter to the United States for this application. As such, the balance of Deposit Account No. 19-2825 was incorrectly lower than we anticipated and thus there were insufficient funds in the account to cover the Basic National Fee of \$930.00 for this application.

For this reason, U.S. Patent and Trademark Office failed to credit the filing fee payment by the due date. Because the incorrect withdrawals caused the funds in Deposit Account No. 19-2825 to be far below what we could have reasonably anticipated them to be, Applicant hereby contend that the failure to pay the Basic National Fee of \$930.00 for this application prior to the January 1, 2001 deadline was unavoidable. Applicant hereby files this Petition to Revive Unavoidably Abandoned Application pursuant to 37 CFR 1.137(a).

Pursuant to 37 CFR 1.137(a), enclosed herewith is a declaration by the

Applicant's Attorney verifying that our expected balance for Deposit Account No 19-2825 would have been sufficient at the time of the December 28, 2000 mailing, and that but for the unauthorized and overcharged withdrawals from the account, the filing of the U.S. National Stage for this application would have met the 30 month deadline of January 1, 2001. Specifically, the declaration of the Attorney explains the circumstances surrounding our Deposit Account No. 19-2825 and why the balance on December 28, 2000 was lower than expected as a result of unauthorized and overcharged withdraws leading to the insufficient funds that caused the application to go abandoned. Attached thereto are copies of our correspondence, docket records and filings for the related applications (redacted to maintain client's confidentiality) which establish the unauthorized and overcharged withdrawals surrounding Deposit Account No. 19-2825 in December 2000.

Applicant submits herewith \$55.00 dollar petition fee, under 37 CFR 1.17, and the \$930.00 Basic National Fee required under 37 CFR 1.1495(b)(2). Applicant hereby files this Petition to Revive Unavoidable Abandoned Application and respectfully requests that the Abandonment be withdrawn and that the application be allowed to continue to the Examination.

Respectfully submitted,
SOFER & HAROUN, LLP

By: 

Joseph Sofer
Reg. No. 34,438
342 Madison Avenue, Suite 1921
New York, New York 10173
(212) 697-2800

Dated: 2/22/01



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Omarsson
Serial No. : 09/720,833
Intr. Filing : June 28, 1999
For : FUEL-AIR MIXTURE APPARATUS

CERTIFICATE OF MAILING (37 C.F.R. 1.8a)

HON. COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Sir:

I hereby certify that the attached Declaration of J. Sofer, Petition to Revive Unavoidably Abandoned Application with Exhibits, check for \$55.00, Return Postcard along with any paper(s) referred to as being attached or enclosed and this Certificate of Mailing are being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Respectfully submitted,

SOFER & HAROUN, L.L.P.

By: Ester Aronova

Ester Aronova

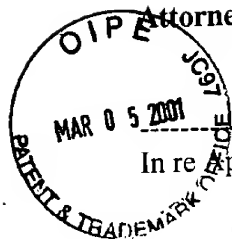
Date: 2/23/01

Mailing Address:

SOFER & HAROUN, L.L.P.
342 Madison Avenue, Suite 1921
New York, New York 10173
Tel:(212)697-2800
Fax:(212)697-3004

Patent

Attorney Docket No.: 918-002



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Omarsson

Serial No.: 09/720833

International filing date: June 28, 1999

For: FUEL-AIR MIXTURE APPARATUS

Examiner: NA

Group Art Unit: NA

RECEIVED

MAR 08 2001

OFFICE OF PETITIONS

**DECLARATION OF JOSEPH SOFER IN
SUPPORT OF PETITION TO REVIVE UNAVOIDABLY ABANDONED
APPLICATION PURSUANT TO (37 CFR 1.137(a)(3))**

I hereby declare that:

1. A power of attorney has been filed authorizing the firm of Sofer & Haroun LLP to represent the Applicant;
2. I am a partner in the firm of Sofer & Haroun, LLP;
3. A business routine for performing the clerical and accounting functions for Deposit Account 19-2825 has been established and which could reasonably be relied upon to avoid errors in performance.
4. A routine has been established by Sofer & Haroun to insure the timely payment of fees via Deposit Account No. 19-2825 insuring that it always has sufficient funds to cover any charges that have been authorized against it.
5. On February 8, 2001, we received from the U.S. Patent and Trademark Office a Notice of Abandonment dated February 5, 2001, which indicated that U.S. Patent Application No. 09/720,833 is abandoned in view of Applicant's failure to provide the full U.S. Basic National Fee by 30 months. A genuine copy of the Notice of Abandonment is attached as Exhibit 1 (our attorney docket number for this application is 918-002).

6. We immediately checked the file jacket of our File Reference Number 918-002 to determine why the Basic National fee was not timely paid. We found no discrepancies in the mailing or in the Transmittal Letter to the United States. The International Application was mailed timely on December 28, 2000 indicating that the Basic National Fee was to be taken from Deposit Account 19-2825. A copy of the Transmittal Form is enclosed herewith as Exhibit 2. A copy of the Return Post Card is enclosed herewith as Exhibit 3.

7. We reviewed our Deposit Account No. 19-2825 statement for December 2000, a copy of which is attached hereto as Exhibit 4. After reviewing the withdrawals conducted by the U.S. Patent Office for the month of December we noted several discrepancies where overcharged or unauthorized withdrawals were made against Deposit Account 19-2825 in an amount sufficient to reduce the balance far below what we could have reasonably expected it to have been, considering the \$5639.00 balance on December 1, 2000, See Exhibit 4.¹ As such, there was less than \$930 dollars remaining for use in conjunction with the Basic National Fee for this application.

8. The following is a list of at least three instances which caused Deposit Account No. 19-2825 to have insufficient funds in the month of December 2000.

A) Regarding Application No. 08/---,378; Our Reference No. 963-016 (Old reference from previous attorney still listed with the U.S. Patent Office: --195FWC); transaction date December 6, 2000; Billing Code 203, a mistake was made and Deposit Account No. 19-2825 was overcharged by at least \$620.

A continuation application was filed on -----, 1997. The application still maintained small entity status, and received a new application number 08/---,378. A copy of the Filing Receipt listing small entity status is enclosed herewith as Exhibit 5.

A Petition was filed on June 5, 2000. A copy of the return postcard listing all of the documents filed is enclosed herewith as Exhibit 6. The fee was authorized to be withdrawn from Deposit Account No. 19-2825 as illustrated in Footnote 3 of Notice Grating Petition, a copy of which is attached hereto as Exhibit 7. As illustrated in Exhibit 2, the amount of \$1240 was withdrawn on December 6, 2000 in order to cover the new Petition cost instead of the fee for a small entity of \$620, as should have been the case here.

Therefore, we expected a \$620 charge against our Deposit Account No. 19-2825, but the U.S. Patent Office actually charged \$1240, in error, failing to recognize the small entity status of this Applicant.

¹For the purposes of this Petition, all information pertaining to other clients has been redacted to preserve client's confidentiality.

B) Regarding Application No. 09/---424; Our Reference No. 655-004c1; transaction dates December 11, 2000; Billing Codes 101, 102 and 103, a mistake was made and Deposit Account No. 19-2825 was charged by at least \$1884.00 in unauthorized transactions. ✓

The parent application for this application was originally filed on -----, 1997, having a application No. 08/---,675. A copy of the Filing Receipt is enclosed herewith as Exhibit 8. The Continuation Patent Application No. 09/---424 was filed -----, 2000. A copy of the return postcard is enclosed herewith as Exhibit 9.

The Continuation Application Transmittal Form, enclosed herewith as Exhibit 10, show that, under the Fee Deficiency headings, there is no check mark beside the box authorizing the fees to be charged to Deposit Account No. 19-2825. There is a check mark next to the box authorizing fees to be charged to Deposit Account No. 19-2825 *if fees are not received prior to a due date, in order to avoid unintentional abandonment.* However, this does not authorize payment from the Deposit Account *until such a due date is reached*, for example, three months from the receipt of a Notice to File Missing Parts. In this case the fees totaling \$1884 were mistakenly withdrawn from Deposit Account No. 19-2825 *immediately* before any such relevant deadlines were reached, see Exhibit 4.

Therefore, we expected a Notice to File Missing Parts requesting the sum of \$1884, but instead our Deposit Account 19-2825 was debited with an unexpected and unauthorized withdrawal of \$1884 which left the Account with \$1884.00 lower than what we expected for the month of December 2000.

C) Regarding Application No. 09/---286; Our Reference No. 655-012; transaction date December 20, 2000; Billing Code 142, a mistake was made and an unauthorized withdraw of \$1240.00 was made against Deposit Account No. 19-2825. ✓

This application was originally filed on -----, 1998. A copy of the Filing Receipt is enclosed herewith as Exhibit 11. The application matured to issue and an Issue Fee Transmittal was mailed on September 18, 2000, which was completed and returned to the U.S. Patent and Trademark Office on December 14, 2000. A copy of the issue fee transmittal is enclosed herewith as Exhibit 12. A copy of the return postcard is enclosed herewith as Exhibit 13. A copy of the issue fee check No. 5130 in the amount of \$1210 is enclosed herewith as exhibit 14.

In box 4b of the Issue Fee Transmittal, a check was placed in the box authorizing the withdrawal of the issue fee from Deposit Account No. 19-2825 *in the event there were any deficiencies in the fees.* However, as the check for the full amount of \$1210 was enclosed with the Issue fee transmittal, we anticipated that this check would be used to pay the issue fee, see Exhibits 12-14.

However, after reviewing the Deposit Account No. 19-2825 statement, Exhibit 4, it appears that the deposit account was used instead of the enclosed check. After calling the bank on February 13 we noted that check #5130 is still outstanding. This constituted an unauthorized withdrawal from Deposit Account No. 19-2825.

As such, anticipating check # 5130 to be used for the payment of this issue fee, we did not expect that \$1240.00 would be withdrawn, further leading to any discrepancies in our Deposit Account 19-2825 expenditures.

9. The aggregate effect of these 3 events totaled \$3744 in either overcharges, or unauthorized charges against our Deposit Account No. 19-2825.

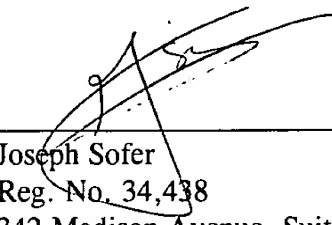
10. Recognizing that the initial balance for December 2000 of Deposit Account No. 19-2825 was \$5639.00, see Exhibit 4; but for the three overcharged and unauthorized withdrawals against the deposit account, there would have been sufficient funds in the account to cover the cost of the Basic National Fee for the 09/720833 application.

11. Therefore, in view of the foregoing statements and in support of the Petition to Revive Unavoidably Abandoned Application filed herewith, I hereby submit that as result of unanticipated overcharged and unauthorized withdrawals from Deposit Account No. 19-2825 that could not have been reasonably anticipated, there were insufficient funds in the account to cover the \$930.00 Basic National Fee for the National Stage filing of the 09/720833 application. And, thus barring these overcharged and unauthorized withdrawals there would have been sufficient funds in Deposit Account 19-2825 to cover the Basic National Fee for Application No. 09/720,833.

I declare that all statements made above of my own knowledge are true and all statements made on information and belief are believed to be true; and these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,
SOFER & HAROUN, LLP

By:



Joseph Sofer
Reg. No. 34,438
342 Madison Avenue, Suite 1921
New York, New York 10173
(212) 697-2800

Dated: 2/23/01

EXHIBIT 1



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

2/8/01

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/720833	OMARSSON	K 918-002
INTERNATIONAL APPLICATION NO.		
PCT/IB99/01214		
I.A. FILING DATE		PRIORITY DATE
28 JUN 99		01 JULY 98

JOSEPH SOFER
SUITE 1921
342 MADISON AVENUE
NEW YORK, NY 10173

DATE MAILED: 05 FEB 2001

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as

☐ a Designated Office (37 CFR 1.494), ☒ an Elected Office (37 CFR 1.495), has made the following determination:

- ☐ Applicant's letter of express abandonment received _____ is in compliance with CFR 1.138 and is hereby acknowledged.
- ☒ Applicant has failed to provide the full U.S. Basic National Fee by ☐ 20 months (37 CFR 1.494(b)(2)), ☒ 30 months (37 CFR 1.495(b)(2)).
- ☐ Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed _____ within the time period set therein.
- ☐ Applicant has failed to properly respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed _____ within the time period set therein. See the attached NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916).
- ☐ Other.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C 371 and 37 CFR ☐ 1.494, ☒ 1.495 and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

Paulette Kidwell, Paralegal

Telephone: 703-305-3656

EXHIBIT 2

Transmittal Letter to the United States
Designated/Elected Office (DO/EO/US)

Page 1
FORM PTO-1390

Docket No. : 918-002
U.S. Application No. : TBA
International Application No.: PCT/IB99/01214
International Filing Date. : June 28, 1999 (28 June 99)
Title of Invention : FUEL-AIR MIXTURE APPARATUS
Applicant(s) for (DO/EO/US) : OMARSSON, Kristian Bjorn

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This express request to begin national examination procedures 35 U.S.C. 371 (f) at any time rather than delay examination until the expiration of the applicable time limit set forth in 35 U.S.C 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed [35 U.S.C. 371(c)(2)].
 - a) ☒ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b) ☐ has been transmitted by the international Bureau.
 - c) ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English [35 U.S.C.371(c)(2)].
7. ☒ Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C.371(c)(3)].
 - a) ☒ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b) ☐ have been transmitted by the International Bureau.
 - c) ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d) ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 [35 U.S.C.371(c)(3)].
9. ☒ An oath or declaration of the inventor(s) [35 U.S.C.371(c)(4)]. UNSIGNED
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 [35 U.S.C.371(c)(5)].

Items 11. to 16. below concern other document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.
12. ☐ An Assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A FIRST preliminary amendment.
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ (other items or information) International Search Report

EXPRESS MAIL No.: EL676785821 US Deposited: December 28, 2000

I hereby certify that this correspondence is being deposited with the United States Postal Service Express mail under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231.

December 28, 2000

Ester Aronova

Date

17. X The following fees are submitted:

BASIC NATIONAL FEE [37 CFR 1.492(a)(1)-(5)]:

		CALCULATIONS	PTO USE ONLY
<u>X</u> Search Report has been prepared by the EPO or JPO.....	\$ 930.00	930.00	
<u> </u> International preliminary examination fee paid to USPTO [37 CFR 1.482]:.....	\$ 680.00		
<u> </u> No International preliminary examination fee paid to USPTO [37 CFR 1.482]			
but International search fee paid to USPTO [37CFR 1.445(a)(2):.....	\$ 750.00		
<u> </u> Neither International preliminary examination fee [37 CFR 1.482] nor			
International search fee [37 CFR 1.445(a)(2)] paid to USPTO:.....	\$ 1010.00		
<u> </u> International preliminary examination fee paid to USPTO [37 CFR 1.482]			
and all claims satisfied provisions of PCT Article 33 (2) to (4):.....	\$ 94.00		

ENTER APPROPRIATE BASIC FEE AMOUNT: \$ 930.00

Surcharge of \$ 130.00 for furnishing the oath or declaration later than 20 X 30 months
from the earliest claimed priority date [37 CFR 1.492(e)]

Claims	filed	Extra	Rate	
Total Claims	-20=	0	x \$ 18.=	\$0
Indep. Claims	- 3=	0	x \$ 74.=	\$
Multiple Dependent Claims (if applicable) + \$ 230.=				\$

TOTAL OF ABOVE CALCULATIONS: \$ 930

Reduction by $\frac{1}{2}$ for filing by small entity, if applicable. Verified Small Entity

Statement must be filed also. [Note 37 CFR 1.9, 1.27, 1.28]

(divided by 2)

SUBTOTAL: \$

Processing fee of \$ 130.00 for furnishing the English Translation later than 20 30 months
from the earliest claimed priority date [37 CFR 1.492(f)]

TOTAL NATIONAL FEE: \$ 930.00

Fee for recording the enclosed assignment [37 CFR 1.21(h)] The assignment must be
accompanied by an appropriate cover sheet [37 CFR 3.28, 3.31]. \$ 40.00 per property

TOTAL FEES ENCLOSED: \$ 930.00

AMOUNT TO BE REFUNDED: \$

AMOUNT TO BE CHARGED: \$

a) ☐ A check in the amount of \$ 465.00 to cover the above fees is enclosed.

b) ☒ Please charge my Deposit Account No. 19-2825 in the amount of \$ 930.00 to cover the above fees.
A duplicate copy of this sheet is enclosed.

c) ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 19-2825. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 36 CFR 1.494 or 1.495 has not been met, a petition to revive [37 CFR 1.137(a) or (b)] must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Joseph Sofer
342 Madison Avenue
Suite 1921
New York, NY 10173

Thomas C. Hughes

Name


signature

42,674

Reg. No.

December 28, 2000

Date

EXHIBIT 3

Commissioner of Patents & Trademarks

Washington, D.C. 20231

Sir: Please stamp the date of receipt and the serial number, if appropriate, hereon and return by mailing. Thank you.

Documents:

- 1) Publication WO 00/01940 of International Application
- 2) Transmittal Letter
- 3) Preliminary Exam Report
- 4) Return Postcard
- 5) Express Mail Certificate
- 6) Response to Preliminary Exam Report
- 7) Written Opinion of Preliminary Exam Authority
- 8) International Search Report w/references

Date Documents Mailed: December 28, 2000

-----For Application-----

Title: Fuel-Air Mixture Apparatus

Serial No. PCT/IB99/01214

Applicant: Omarsson

Filing Date: June 28, 1999

Docket No.: 918-002

Attorney: Joseph Sofer

Express Mail No.: EL676785821US

1002 Rec'd PCT/PTC 28 DEC 2000

09/720833

EXHIBIT 4

MO.	DAY	YR.	NO.	(Serial, Patent, TM, Order)	DOCKET NO.	CODE	CREDITS	BALANCE
12	1	00	5			102	add claims 26.00	5639.00
12	1	00	36			704	-16.00	5655.00
12	6	00	32	00 378	195FWC	141	1240.00 FF	4415.00
12	8	00	1			203	9.00	4406.00
12	8	00	3			203	162.00	4244.00
12	11	00	140	09 424	655-004	101	710.00 FF	3534.00
12	11	00	141	09 424	655-004	103	54.00	3480.00
12	11	00	142	09 424	655-004	102	1120.00	2360.00
12	12	00	69			202	12.00	2348.00
12	13	00	1			704	Refund 60.00	2288.00
12	13	00	2			704	240.00	2048.00
12	13	00	17			704	-60.00	2108.00
12	13	00	76			704	-240.00	2348.00
12	13	00	78			704	-60.00	2408.00
12	13	00	84			704	-60.00	2468.00
12	13	00	130			205	16.00	2452.00
12	15	00	2			219	55.00	2397.00
12	20	00	139	09 286	655-012	142	1240.00	1157.00
12	20	00	140	09 286	655-012	561	9.00	1148.00
12	21	00	1			103	288.00	860.00
12	26	00	129			704	-50.00	910.00
12	27	00	1			201	355.00	555.00
12	27	00	2			205	65.00	490.00
12	28	00	12			242	15.00	475.00
12	28	00	14			561	3.00	472.00
12	28	00	110			561	3.00	469.00
12	28	00	113			242	15.00	454.00
12	28	00	115			561	3.00	451.00
12	29	00	99			103	54.00	397.00
12	29	00	202	SERVICE CHARGE		608	25.00	372.00

DATE 2/29/2000

ENTERED JAN 25 2001

AN AMOUNT SUFFICIENT TO
COVER ALL SERVICES REQUESTED
MUST ALWAYS BE ON DEPOSIT.

OPENING BALANCE
5665.00

TOTAL CHARGES
5779.00

TOTAL CREDITS
486.00

CLOSING BALANCE
372.00

*** O.D. INDICATES OVERDRAWN

EXHIBIT 5

FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
08/ , 378		2502	\$385.00	,195.FWC	3	17	2

DOUGLAS W ROBINSON
HOFFMAN WASSON & GITLER
2361 JEFFERSON DAVIS HIGHWAY
ARLINGTON VA 22202

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

CONTINUING DATA AS CLAIMED BY APPLICANT-

THIS APPLN IS A CON OF 08/520,881 08/30/95 ABN

FOREIGN FILING LICENSE GRANTED
TITLE

* SMALL ENTITY *

PRELIMINARY CLASS:

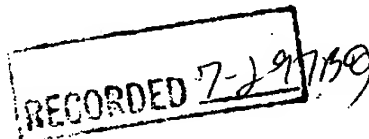
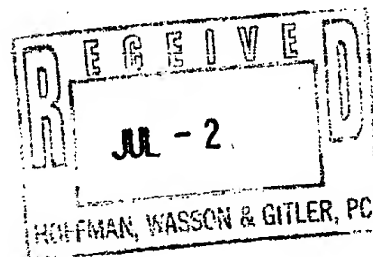


EXHIBIT 6

Commissioner of Patents

Washington, D.C. 20231

Sir: Please stamp the date of receipt and the serial Number, if appropriate, hereon, and return by mailing. Thank you.

Docs:

- 1) Petition to Revive Abandoned Application
- 2) Verified Statement of Attorney incl. Exhibits (w/ verified statement of Docket Clerk)
- 3) Two Checks for \$110.00 and \$345.00
- 4) Express Mail Certificate
- 5) Return Postcard
- 6) Amendment After Final
- 7) Amendment transmittal
- 8) Continuation Application
- 9) Patent Transmittal
- 10) Informal Drawings
- 11) Preliminary Amendment

Date Documents Mailed: June 5, 2000

-----For Application-----

Title:

Serial No. 08/378,378

Filing Date:

Applicant: R

Docket No.: 693-016

EXHIBIT 7



643-016
UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

JJGJr:11-00

Paper 27

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DEC 06 2000

OFFICE OF PETITIONS
A/C PETITIONS

ROBERT M. HAROUN
SOUFER & HAROUN, LLP
342 MADISON AVE./STE. 1921
NEW YORK, NY 10173

In re Application of

Application No. 08/ 3,378

Filed:

Attorney Docket No. 195.FWC

ON PETITION

This is a decision on the petition filed on 5 June, 2000, under 37 C.F.R. §1.137(a),¹ and supplemented alternatively under 37 C.F.R. §1.137(b)² on 11 October, 2000, to revive the above-identified application.

The petition under 37 C.F.R. §1.137 (b) is **GRANTED**.³

The record reflects that:

- Petitioner failed to respond timely and properly to a final Office action mailed on 27 September, 1999, and due (absent an extension of time) on or before 27 December, 1999;
- Petitioner alleges that the employee of Counsel Robert M. Haroun (Counsel)

¹ A Petition filed under the provisions of 37 C.F.R. §1.137(a) must be accompanied by:

- (a) The required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application for patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof;
- (b) the petition fee required by 37 C.F.R. §1.17(f);
- (c) A showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the reply due date until the filing of a grantable petition pursuant to the is paragraph was unavoidable; and
- (d) Any terminal disclaimer (and fee set forth in 37 C.F.R. §1.20(d)) required pursuant to 37 C.F.R. §1.137(c).

An application is "unavoidably" abandoned only where Petitioner (or Petitioner's counsel) takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, the response is not timely received in the Office. That is, in the context of ordinary human affairs the test is such care as is generally used and observed by prudent and careful persons in relation to their most important business. *Ex parte Pratt*, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887); *Ex parte Henrich*, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r. Pat. 1913).

² Effective December 1, 1997, the provisions of 37 C.F.R. §1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 C.F.R. §1.137(b). a grantable petition filed under the provisions of 37 C.F.R. §1.137(b) must be accompanied by:

- (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.
- (2) the petition fee as set forth in 37 C.F.R. §1.17(m);
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and
- (4) any terminal disclaimer (and fee set forth in 37 C.F.R. §1.20(d)) required pursuant to 37 C.F.R. §1.137(c). (Emphasis supplied.)

³ Pursuant to Petitioner's authorization, the \$1,240.00 fee for the petition under 37 C.F.R. §1.137(b) is charged to Deposit Account 12-2825.

Application No. 08/826,378

improperly marked as "DONE" in the office docket the filing of the response due when in fact the task had not been executed;⁴

- the instant application went abandoned at midnight 27 December, 1999;
- no Notice of Abandonment was mailed before petition was filed;
- contemporaneously with filing of the petition under 37 C.F.R. §1.137(a), Petitioner filed a continuation application, which since has been assigned the Application No. 09/ ,696;

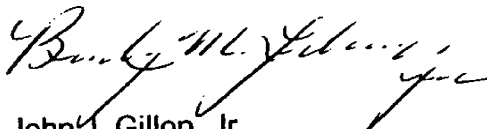
The record (including the petitions filed on 5 June and 11 October, 2000) does not necessitate a finding that the delay between midnight 27 December, 1999, and 5 June, 2000, was not unintentional.

Rather, the Patent and Trademark Office is relying in this matter on Petitioner's duty of candor and good faith when accepting Petitioner's representation that the delay in filing the response was unintentional.⁵

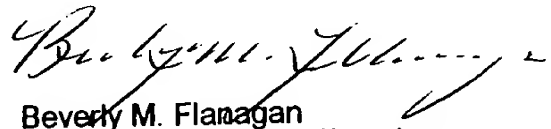
The petition under 37 C.F.R. §1.137(a) is **dismissed as moot**. (See: Fn 4.)

This application is being revived exclusively for co-pendency with the Continuation Application No. 09/ ,696, and is being forwarded to Technology Center 2800 for processing therewith.

Telephone inquiries should be directed to Petitions Attorney John J. Gillon, Jr., at (703) 305-9199.



John J. Gillon, Jr.
Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

⁴ Petitioner is reminded that the failure of Counsel's office staff to complete work assignments before listing them as "DONE" in the office docket book, alleged as the cause of Petitioner's delay, does not constitute a showing of Petitioner's diligence as required under Pratt to demonstrate unavoidable delay. Therefore, grant of a petition under 37 C.F.R. §1.137(a) is not proper herein.

⁵ See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 C.F.R. §1.137(b) to the Patent and Trademark Office).

EXHIBIT 8

FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
08/ , 675		2603	\$0.00	655-004	13	31	19

JOSEPH SOFER
SOFER AND HAROUN
342 MADISON AVENUE
SUITE 1921
NEW YORK NY 10173

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

FOREIGN/PCT APPLICATIONS-JAPAN

38011

FOREIGN FILING LICENSE GRANTED
TITLE

PRELIMINARY CLASS:

EXHIBIT 9

Commissioner of Patents & Trademarks
Washington, D.C. 20231

Sir: Please stamp the date of receipt and the serial number, if
appropriate, hereon, and return by mailing. Thank you.

Documents:

- 1) Continuation Patent Application
- 2) Formal Drawings(Figs.1-12)
- 3) Patent Transmittal
- 4) Copy of Declaration-executed
- 5) Express Mail Certificate
- 6) Return Postcard
- 7)
- 8) Preliminary Amendment



Date Documents Mailed: December 6, 2000

-----For Application-----

Title: Multiplex Transmission Apparatus, Multiplex

Applicant: Sugawara, et al.

Art Unit:TBA

Filing Date: December 6, 2000

Docket No.: 655-004c1

Attorney: Joseph Sofer

Serial No. TBA

EXHIBIT 10

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application
Commissioner of Patents and Trademarks
Washington, D.C. 20231

PATENT FILING TRANSMITTAL

Transmitted herewith for filing is the Patent Application of: _____

For: _____

TYPE OF FILING

This new patent application is for a(n):

- ☐ Utility
- ☐ Design
- ☐ Plant
- ☐ Divisional
- ☒ Continuation
- ☐ Continuation-in-part

Benefit of a prior filed application

- ☒ This is a continuation of copending application Serial No. 08/ 2,675 filed on _____ claims the benefit of an earlier filed U.S. Patent Application under 35 USC 120.
- ☒ Please accord Applicant the benefit of the priority date of _____ to this case pursuant to 35 USC 119. Applicant's claim for priority is based on application 38011 filed in Japan on that date.

Filing under 37 CFR 1.53 (Utility) or 37 CFR 1.153 (Design)

- ☒ This is an application filed pursuant to 37 CFR 1.53 or 37 CFR 1.153, permitting receipt of a filing date upon filing of a specification, at least one claim and necessary drawings.
- ☒ In the event any parts of this application are incomplete, please treat this as a filing under 37 CFR 1.53 or 37 CFR 1.153.

ENCLOSURES

Minimum requirements under 37 CFR 1.53(b) (Utility) or 37 CFR 1.153 (Design)

CERTIFICATE OF MAILING (37 CFR 1.10(a))

CERTIFICATE OF MAILING BY "EXPRESS MAIL" - Rule 10: I hereby certify that this correspondence is being deposited with the U. S. Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 as Express Mail No. _____ addressed to the Commissioner of Patents & Trademarks, Washington, D.C. 20231 on _____ by _____.

Date: _____

Signed: _____

- ☒ 62 pages of specification;
☒ 10 pages of claims;
☒ 2 pages of abstract;
☒ 12 sheets of Formal drawings;
☒ A Declaration, Power of Attorney & Petition or listing of inventors;
and
☒ A postcard for return to us as proof of receipt of the above documents.

plus

- ☐ An Assignment of the invention to Franchi S.p.A. and an Assignment cover sheet;
☐ Verified Statement Claiming Small Entity Status (37 CFR 1.9(f) and 1.27(b))
☐ Form PTO-1449 (IDS) and copies of the references listed thereon;
☐ A certified copy of _____ (country) patent application number (priority document).
☒ A preliminary amendment;
☐ Declaration of Biological Deposit;
☐ Submission of sequence listing, computer readable copy and/or amendment relating thereto for biotechnology invention containing nucleotide and/or amino acid sequence;
☐ An associate power of attorney;
☐ Other.

DECLARATION OR OATH

The enclosed Declaration or Oath has been executed by:

- ☒ Inventor(s);
☐ Legal representative of the inventors (37 CFR 1.42 or 1.43);
☐ Joint inventor or person showing proprietary interest on behalf of an inventor who refused to sign or who cannot be reached and this is a petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is attached;
☐ Has not been executed and is enclosed for the purposes of identifying the inventors.

INVENTORSHIP STATEMENT

The inventorship for all the claims in this application is:

- ☒ the same;
☐ not the same and, as an explanation, a statement is/ will be submitted.

LANGUAGE

The application submitted herewith is:

- ☒ in English;
☐ in not in English and in terms of 37 CFR 1.52(d) a verified translation is
☐ attached
☐ not attached.

FEE CALCULATION

The filing fee has been calculated as shown below:

	SMALL ENTITY	OR	OTHER THAN A SMALL ENTITY
BASIC FEE Design Patent	\$165		\$330
BASIC FEE Utility Patent	\$355		\$710
EXTRA FEES	RATE	FEE	RATE FEE
TOTAL CLAIMS _____ MINUS 20 =	x 9 = \$		3x 18 = \$
INDEP. CLAIMS _____ MINUS 3 =	x 40 = \$		14x 80 =
<input type="checkbox"/> MULTIPLE DEP. CLAIM	+ 135 = \$		+ 270 = \$
<input type="checkbox"/> ASSIGNMENT	+ 40 = \$		+ 40 = \$
<input type="checkbox"/> RULE 53 SURCHARGE	+ 65 = \$		+ 130 = \$
TOTAL	\$ 0		\$1,884.00

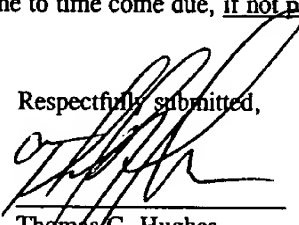
FEE PAYMENT

- ☐ No Fee is Enclosed at this time.
- ☒ Attached is Check No. _____ in the sum of \$ 1,884.00 to cover the filing and, if applicable, the assignment fee.
- ☐ Please charge Account No. 19-2825 the sum of \$ _____.

FEE DEFICIENCY

- ☐ The Commissioner is authorized to charge (or credit any overpayment) to deposit account No. 19-2825:
- ☐ Any additional filing fees required under 37 CFR 1.16, except Rule 53 filings, which will be paid within the time permitted by PTOL 1533.
- ☐ Assignment Recordal fees.
- ☒ The filing fee and surcharge under 37 CFR 1.16, patent application processing fees under 37 CFR 1.17 and patent issue fees under 37 CFR 1.18 are intended to be paid by our firm as they arise. As no abandonment is intended by any inadvertent nonpayment of fees, the Commissioner is hereby authorized to charge payment of such fees as from time to time come due, if not paid prior to due date to our Deposit Account No. 19-2825.
- ☐ A duplicate copy of this sheet is enclosed.

Respectfully submitted,


Thomas C. Hughes
Reg. No. 42,674

Dated: December 6, 2000

SOFER & HAROUN, L.L.P.

Address: 342 Madison Avenue, Suite 1921
New York, New York 10173
Telephone: (212) 697-2800
Facsimile: (212) 697-3004

EXHIBIT 11

FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/11/86		2756	\$0.00	655-012	29	18	2

JOSEPH SOFER
SOFER & HAROUN
342 MADISON AVENUE
SUITE 1921
NEW YORK NY 10173

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

FOREIGN FILING LICENSE GRANTED
TITLE

PRELIMINARY CLASS:

EXHIBIT 12

POSTED

MAILING INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Issue Fee Receipt, the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

LM21/0918

JOSEPH SOFER
SOFER & HAROUN
342 MADISON AVENUE
SUITE 1921
NEW YORK NY 10173

Note: The certificate of mailing below can only be used for domestic mailings of the Issue Fee Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing.

Certificate of Mailing

I hereby certify that this Issue Fee Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above on the date indicated below.

Ester Arangua (Depositor's name)
Remona Esten (Signature)
12/1 (Date)

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/11/2006		018		
First Named Applicant: 35 USC 154(b) term ext. = 0 Days.				

TITLE OF INVENTION I

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
2 655-012		S33		NO	\$1210.00	12/18/00

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). Use of PTO form(s) and Customer Number are recommended, but not required.

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47) attached.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

Sofer & Haroun, LLP
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)
PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the PTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY & STATE OR COUNTRY)

Please check the appropriate assignee category indicated below (will not be printed on the patent)

- ☐ individual ☒ corporation or other private group entity ☐ government

4a. The following fees are enclosed (make check payable to Commissioner of Patents and Trademarks):

- ☒ Issue Fee
☒ Advance Order - # of Copies 3

4b. The following fees or deficiency in these fees should be charged to:

DEPOSIT ACCOUNT NUMBER 19-2825
(ENCLOSE AN EXTRA COPY OF THIS FORM)

- ☒ Issue Fee
☒ Advance Order - # of Copies _____

The COMMISSIONER OF PATENTS AND TRADEMARKS IS requested to apply the Issue Fee to the application identified above.

(Authorized Signature) *Joseph Sofer* (Date) 12/14/00
34,438

NOTE: The Issue Fee will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the Patent and Trademark Office.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending on the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND FEES AND THIS FORM TO: Box Issue Fee, Assistant Commissioner for Patents, Washington D.C. 20231

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMIT THIS FORM WITH FEE

Commissioner of Patents & Trademarks
Washington, D.C. 20231

Sir: Please stamp the date of receipt and the serial number, if appropriate, hereon, and return by mailing. Thank you.

Documents:

- 1) Issue Fee Transmittal
- 2) Check for \$1210
- 3) Return Postcard

Date Documents Mailed: December 14, 2000
-----For Application-----

Title:

Serial No. 09/ ,286

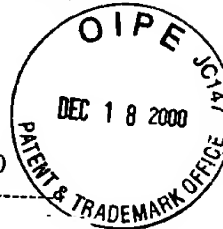
Art Unit:

Docket No.: 655-012

Applicant:

Filing Date:

Attorney: Joseph Sofer



12/21/00
AS

EXHIBIT 14

SOFER & HAROUN, L.L.P.

ATTORNEYS AT LAW
342 MADISON AVENUE, SUITE 1921
NEW YORK, NY 10173

THE CHASE MANHATTAN BANK
NEW YORK, NY 10036
1-2-210

5130 5130

Thousand Two Hundred Ten ***** 00/100

DATE

AMOUNT

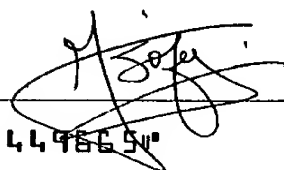
Dec 14/2000

\$1,210.00

Comm of Patents and Trademarks

U.S. Government Issue Fee

09/ 1,286



⑈005130⑈ ⑆021000021⑆009076449665⑈

Security features included. Details on back.

Commissioner of Patents & Trademarks
Washington, D.C. 20231

Sir: Please stamp the date of receipt and the serial number, if appropriate, hereon, and return by mailing. Thank you.

Documents:

- 1) Issue Fee Transmittal
- 2) Check for \$1210
- 3) Return Postcard

Date Documents Mailed: December 14, 2000

-----For Application-----

Title: AN INTEGRATED MULTIMEDIA SYSTEM...

Serial No. 09/ 1,286

Art Unit

Docket No.: 655-012

Applicant:

Filing Date:

Attorney: Joseph Sofer



Creation date: 01-23-2004
Indexing Officer: AJENKINS2 - ASHUNTA JENKINS
Team: OIPEBackFileIndexing
Dossier: 09720833

Legal Date: 01-09-2002

No.	Doccode	Number of pages
1	PETDEC	4

Total number of pages: 4

Remarks:

Order of re-scan issued on